

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CRIMINAL NO. 3:00CR215

UNITED STATES OF AMERICA)

VS.)

HARVEY CULP, JR.)
_____)

ORDER

THIS MATTER is before the Court *sua sponte*.

On March 20, 2002, the Defendant was committed to the custody of the United States Attorney General pursuant to 18 U.S.C. § 4246. On February 21, 2003, his commitment was continued but he was conditionally released to residential placement, which is by law a form of commitment and hospitalization. However, it was noted by Order entered on July 30, 2004, that the director of that facility had failed to comply with 18 U.S.C. § 4247(e)(1)(B) which requires annual reports concerning the Defendant's mental condition and recommendations concerning his continued need for hospitalization. A written report was ordered and subsequently received.

However, that report, dated August 10, 2004, was the last one received. After inquiry from the Court in August of this year, another report was finally received; however, that report was limited to the time period from June 2006 through September 2006. The Court finds that due to the Defendant's mental condition, more frequent monitoring is required.

IT IS, THEREFORE, ORDERED that on or before 15 days from entry of this Order, the Director of the Mecklenburg County Area Mental Health Center shall advise in writing whether the Defendant should remain a resident at Lee's Living Center in Charlotte, North Carolina, or should be indefinitely hospitalized. That report shall contain a medical opinion as to the Defendant's competency to stand trial and whether he is currently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another.

IT IS FURTHER ORDERED that in the event the Director recommends continued conditional residential placement, that he shall file a report containing the information required by statute, and as stated *infra*, every six months. In the event that the Defendant is hospitalized, the Director shall file the report once each year.

IT IS FURTHER ORDERED that a copy of this report shall be provided to the United States Attorney, the United States Probation Office and defense counsel.

Signed: September 26, 2006

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

